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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/427,819	10/27/1999	ENGELBERTUS VAN WILLIGEN	PHN-17.166	3807

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EXAMINER

NOBAHAR, ABDULHAKIM

ART UNIT PAPER NUMBER

2132

DATE MAILED: 03/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/427,819	VAN WILLIGEN, ENGELBERTUS	
	Examiner	Art Unit	
	Abdulhakim Nobahar	2132	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,4-7 and 9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,4-7 and 9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This communication is in response to applicants' response received on January 16, 2006.
2. The amendments of claims 1 and 5-7 and cancellation of claims 3 and 10 are acknowledged.
3. Applicant's arguments with respect to the rejections of claims 1, 3-7 and 9-10 under 35 USC § 102 have been fully considered and are persuasive. Therefore, the rejections have been withdrawn. However, upon further consideration of the amended claims, a new ground(s) of rejection is made.

Claim Objections

Claims 1, 4, 5 and 9 are objected to because of the following informalities:

1- Claim 1 in line 1 should recite: "A broadcast network comprising..." as claim 1 in communication filed on August 24, 2004.

2- Claim 1 in line 8 recites: "authentication means..." It should be corrected to recite "an authentication means..."

2- Claim 4 in line 1 should recite: "The broadcast network according to claim 1..." as claim 4 in communication filed on August 24, 2004.

3- Claim 5 in line 1 should recite: "A subscriber station for receiving..." as claim 5 in communication filed on August 24, 2004.

4- Claim 9 in line 1 should recite: "The method according to claim 7..."

Appropriate correction is required for all of the above.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1 and 5-7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1 and 5-7 at the very end recite "wherein each requested service can be authorized separately from the communication link used" which is an unclear statement. In the previous submitted versions these claims recited, "wherein each requested service can be authorized separately" which appears to be clear. It would be appropriate if these claims were amended to recite, "wherein each requested service can be authorized separately which is independent from the type of communication link used".

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1, 4-7 and 9 are rejected under 35 U.S.C. 102(e) as being anticipated by Pinder et al (6,105,134) (hereinafter Pinder).

Referring to claims 1 and 7, Pinder discloses:

A broadcast network comprising an information server coupled to an Internet protocol gateway. See, for example, column 15, lines 25-27, where the media server corresponds to the recited information server.

A plurality of subscriber terminals coupled to the Internet protocol gateway, the subscriber terminals for receiving broadcast signals from the information server. See, for example, Fig. 5; Fig. 6; col. 14, lines 5-14; col. 15, lines 22-34, where DHCT 333(k) are a plurality of the subscriber terminals and are coupled to broadband integrated gateway through an IP network through an integrated gateway.

A return channel for transmitting information from a subscriber terminal to a head-end. See, for example, col. 4, lines 3-11; col. 12, lines 44-67.

authentication means coupled to an internet protocol gateway, the authentication means for authorizing the access of the subscriber terminal to interactive services. See, for example, col. 10, lines 24-29; col. 10, lines 50-57; col. 11, lines 38-42; col. 17, lines 26-30.

wherein the subscriber terminal is configured to request from an authorization server using the internet protocol gateway, one or more of a plurality of services. See, for example, col. 11, lines 63-67; col. 12, lines 44-53; col. 15, lines 39-44; col. 16, lines 39-44; col. 18, lines 43-56.

the authorization server configured to check the entitlement of the subscriber to the one or more of a plurality of services to be provided by the information server. See, for example, Fig. 6; col. 10, lines 24-29; col. 10, lines 50-57; col. 17, lines 24-37.

the authorization server is configured to enable the subscriber to access said one or more plurality of services, wherein each requested service can be authorized separately from the communications link used. See, for example, col. 4, lines 37-45; col. 13, lines 5-60; Fig. 6; col. 15, lines 35-55; col. 16, lines 35-67; col. 17, lines 24-37; col.

22, lines 55-67, where DHCT is the subscriber terminal and control suite 607 acts as an authorization server and the authorization of a subscriber does not have anything to with the communication link used.

Referring to claim 4, Pinder discloses:

Broadcast network according to claim 1, wherein said services are transmitted using IP packets, and in that said message comprises information about at least one destination IP address to which IP packets from the subscriber station are passed. See, for example, column 20, lines 2-14.

Referring to claim 5, this claim is rejected as applied to like elements of claim 1 as above and further Pinder discloses:

Subscriber station for receiving broadcast signals. See, for example, abstract and column 1, lines 64-67.

Said subscriber stations being arranged for transmitting information via a return channel to a head-end. See, for example, column 12, lines 45-65.

Wherein the subscriber terminal comprises authorization transmitting means for transmitting authorization request messages to an authorization server. See, for example, Fig. 4, Fig. 6 and column 12, line 46-column 13, line 8, where the secure element of the customer terminal (DHCTSE) through the secure manager of the customer terminal encrypts the customer requests and forwards the request (called forwarded purchase message: FPM) to the entitle manager (corresponding to the

recited authorization server) of the service provider system via an IP network and a gateway.

The subscriber further being arranged for receiving authorization messages from the authorization server. See, for example, column 4, lines 37-59.

And in that the subscriber station is arranged for requesting services from the head-end after receiving a positive authorization message. See, for example, column 4, lines 37-67 and column 42, line 57- column 43, line 10.

wherein each requested service can be authorized separately from the communications link used. See, for example, col. 17, lines 24-37; col. 22, lines 55-67, where DHCT is the subscriber terminal and control suite 607 acts as an authorization server and the authorization of a subscriber does not have anything to with the communication link used.

Referring to claim 6, Pinder discloses:

A gateway for passing information from an information server to at least one subscriber terminal. See, for example, column 15, lines 25-34 and Fig. 6.

Wherein the gateway is arranged for requesting one or more of a plurality of services to an authorization server using a protocol network. See, for example, Fig. 4, Fig. 6 and column 12, line 46-column 13, line 8, where the secure element of the customer terminal (DHCTSE) through the secure manager of the customer terminal encrypts the customer requests and forwards the request (called forwarded purchase

message: FPM) to the entitle manager (corresponding to the recited authorization server) of the service provider system via an IP network and a gateway.

and in that the gateway is arranged for enabling the subscriber to access the one or more of a plurality of services in response to an authorization message received from the authorization server. See, for example, col. 7, lines 56-65; col. 13, line 65-col. 14, line 30.

wherein each requested service can be authorized separately from the communications link used. See, for example, col. 17, lines 24-37; col. 22, lines 55-67, where DHCT is the subscriber terminal and control suite 607 acts as an authorization server and the authorization of a subscriber does not have anything to with the communication link used.

Referring to claim 9, Pinder discloses:

Method according to claim 7, wherein said message comprises information about at least one source IP address from which IP packets are passed to the subscriber station. See, for example, column 20, lines 2-14.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Abdulhakim Nobahar whose telephone number is 703-305-8074. The examiner can normally be reached on M-F 8-5.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on 703-305-1830. The fax phone number for the organization where this application or proceeding is assigned is 703-746-7239.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Abdulhakim Nobahar
Examiner

Art Unit 2132 *a.n.*

March 6, 2006


GILBERTO BARRON JR.
SUPERVISORY PATENT EXAMINER
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